REMARKS

The Official Action mailed October 9, 2009, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to February 9, 2010. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 5, 2005; April 27, 2006; May 13, 2008; and September 30, 2008.

Claims 23-40 were pending in the present application prior to the above amendment. Claims 23-40 have been canceled without prejudice or disclaimer. New claims 42-53 have been added to recite additional protection to which the Applicant is entitled. Accordingly, claims 42-53 are pending in the present application, of which claims 42, 50 and 52 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 23, 35 and 37 as obvious based on the combination of U.S. Patent No. 6,446,041 to Reynar and U.S. Patent No. 5,740,320 to Itoh. Paragraph 3 of the Official Action rejects claims 24-29, 34, 36 and 38-40 as obvious based on the combination of Reynar, Itoh and European Patent Application No. EP 1 100 072 to Kato. Paragraph 4 of the Official Action rejects claims 30-33 as obvious based on the combination of Reynar, Itoh, Kato and U.S. Patent No. 7,240,005 to Chihara. Claims 23-40 have been canceled without prejudice or disclaimer; therefore, the above-referenced rejections are now moot.

With respect to new claims 42-53, the Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either

in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. For example, independent claims 42 and 52 recite voice unit storage means for storing a plurality of pieces of voice unit data representing voice units; phoneme storage means for storing a plurality of pieces of phoneme data each of which is a phoneme or comprises phoneme fragments composing a phoneme; cadence prediction means for inputting sentence information representing a sentence to predict the cadence of voice units composing the sentence; selecting means for selecting voice unit data satisfying predetermined conditions out of the plurality of pieces of voice unit data stored in the voice unit storage means, wherein the predetermined conditions are that the voice unit data to be selected matches in its reading with the voice unit composing the sentence and has a correlation greater than a predetermined amount with a cadence prediction result by the cadence prediction means; missing part cadence prediction means for predicting the cadence of voice units which have been decided not to satisfy the predetermined conditions by the selection means; missing part synthesis means for specifying phonemes contained in the voice

unit decided not to satisfy the predetermined condition by the selection means out of the voice units composing the sentence, for acquiring phoneme data representing the specified phoneme or phoneme fragments composing the specified phoneme from the phoneme storage means, for converting the acquired phoneme data so that the phoneme or phoneme fragments represented by the acquired phoneme data matches with a cadence prediction result by the missing part cadence prediction means, and for interconnecting the converted data, thereby synthesizing speech data representing a waveform of the voice unit; and creation means for interconnecting the voice unit data selected by the selection means and the speech data synthesized by the missing part synthesis means, thereby creating data representing synthesis speech. Independent claim 50 recites similar features. The Applicant respectfully submits that Reynar, Itoh, Kato and Chihara, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

Since Reynar, Itoh, Kato and Chihara do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

It is noted that the present claims are substantively similar to allowed claims 1-9 in a related Japanese patent application, which resulted in the issuance of Japanese Patent No. 4287785. Therefore, the Applicant respectfully submits that the allowance of the claims in the Japanese application is a further indication of the patentability of the present claims.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,

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